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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Australia*, Austria, Belgium*, Bulgaria*, Canada, Costa Rica*, Czech Republic, Denmark, Estonia*, Finland*, France, Germany, Greece*, Hungary*, Iceland*, Ireland, Italy, Latvia*, Liechtenstein*, Lithuania*, Luxembourg, Netherlands*, Norway*, Poland, Portugal*, Romania*, Slovakia*, Slovenia*, Spain*, Sweden*, Switzerland*, United Kingdom of Great Britain and Northern Ireland, and the United States of America: draft resolution

1998/... Situation of human rights in the Islamic Republic of Iran

The Commission on Human Rights,

Reaffirming that all States Members of the United Nations have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Mindful that the Islamic Republic of Iran is a party to the International Covenants on Human Rights,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional Commissions of the Economic and Social Council.

Recalling previous resolutions of the General Assembly and the Commission on Human Rights on the subject, the most recent of which are Assembly resolution 52/142 of 12 December 1997 and Commission resolution 1997/54 of 15 April 1997,

1. Welcomes:

(a) The report of the Special Representative of the Commission (E/CN.4/1998/59 and Corr.1);

(b) The stated commitment of the Government of the Islamic Republic of Iran to encourage respect for the rule of law and its emphasis on the development of a society in which human rights are fully respected and in which a civil society flourishes;

(c) Improvements in the area of freedom of expression, particularly in the media and cultural fields, and in the authorities' willingness to allow more public demonstrations;

2. Notes with interest:

(a) The holding of presidential elections in the Islamic Republic of Iran in 1997, and in this context calls upon the Government to meet expectations for tangible progress concerning human rights and fundamental freedoms of individuals;

(b) The establishment of the Commission for Ensuring and Supervising the Implementation of the Constitution with a remit to address any shortcomings in the implementation or any violation of the Constitution;

(c) Positive statements by the Government of the Islamic Republic of Iran about the need to review laws and attitudes which discriminate against women, and the appointment of Iran's first woman Vice-President and of four female judges;

(d) The observation of the Special Representative about the increased willingness of the Iranian authorities to criticize and clamp down on extrajudicial groups who attempt to curtail freedom of expression;

(e) The initiative of the Islamic Human Rights Commission in investigating incidents of concern, and the view of the Special Representative that these moves represent an important step in the strengthening of human rights in Iran;

(f) The registration of certain non-governmental organizations, as well as a journalists' association;

3. Expresses its concern:

(a) That in spite of this progress, human rights continue to be violated in the Islamic Republic of Iran, in particular the large number of executions in the apparent absence of respect for internationally recognized safeguards, cases of torture and cruel, inhuman or degrading treatment or punishment, including amputation, stoning and public executions, the failure to meet international standards in the administration of justice and the absence of due process of law;

(b) At the lack of transparency in the judicial system which makes it difficult for Iranian and foreign observers to establish accurately the situation of individuals, such as Mr. Morteza Firouzi, accused of crimes;

(c) At continuing grave violations of the human rights of the Baha'is, as well as the discrimination against members of other religious minorities, including Christians, despite constitutional guarantees, the increased pressure on religious communities and persons suspected of proselytizing, and the death sentences pronounced against Mr. Dhabihullah Mahrami and Mr. Musa Talibi on the charge of apostasy, and against Mr. Bihnam Mithaqi and Mr. Kayvan Khalajabadi because of their beliefs;

(d) At the lack of continuity in the cooperation of the Government with the mechanisms of the Commission on Human Rights, particularly the failure of the Government of the Islamic Republic of Iran to invite the Special Representative to visit Iran in the period under review, and the low rate of response by the Government to communications from the Special Representative;

(e) At the continuing threats to the life of Mr. Salman Rushdie, as well as to individuals associated with his work, which appear to have the support of the Government of the Islamic Republic of Iran, and deeply regrets the failure of the Government of the Islamic Republic of Iran to condemn the bounty offered for the assassination of Mr. Rushdie by the 15 Khordad Foundation;

(f) At the apparent reluctance of the Iranian authorities to prosecute and punish those who commit violence against critics of the Government;

(g) At the continued harassment and intimidation of some journalists and writers, and of political and religious dissidents seeking to exercise their freedom of expression;

(h) At the continued lack of full and equal enjoyment by women of human rights;

4. Calls upon the Government of the Islamic Republic of Iran:

(a) To continue its positive efforts and to build upon its commitment to consolidate respect for the rule of law and allow greater freedom of expression;

(b) To abide by its freely undertaken obligations under the International Covenants on Human Rights and under other international instruments on human rights, and to ensure that all individuals within its territory and subject to its jurisdiction, including members of religious groups and persons belonging to minorities, enjoy all the rights enshrined in those instruments;

(c) To take all necessary steps to end the use of torture and the practice of amputation, stoning and other forms of cruel, inhuman and degrading punishment;

(d) To resume its cooperation with the mechanisms of the Commission on Human Rights, in particular with the Special Representative, to allow him to continue his inquiry first-hand and to continue his dialogue with the Government;

(e) To implement fully the conclusions and recommendations of the Special Rapporteur on religious intolerance relating to the Baha'is, Christians and other minority religious groups, until they are completely emancipated;

(f) To increase efforts to bring into line with announced government policy on freedom of expression the activities of various elements in the judiciary and the security services, as well as extrajudicial groups, which are resisting positive changes and consequently the strengthening of human rights;

(g) To build on the progress made in the last year by taking further measures to eliminate discrimination and human rights violations against women, including all discrimination in law and in practice against them, for example by amending article 1117 of the Civil Code, which subjects the taking up of a profession by women to the prior consent of their husbands, and which has been criticized by the International Labour Organization;

(h) To refrain from violence against members of the Iranian opposition living abroad and to cooperate wholeheartedly with the authorities of other countries in investigating and prosecuting offences;

(i) To provide satisfactory written assurances that it does not support or incite threats to the life of Mr. Salman Rushdie;

(j) To ensure that capital punishment will not be imposed for non-violent crimes, for apostasy, or otherwise in disregard of the provisions of the International Covenant on Civil and Political Rights and the United Nations safeguards;

(k) To provide the Special Representative with precise information on the protection of human rights within the drug interdiction policy of the Islamic Republic of Iran;

(l) To embark on a process to bring the Islamic Human Rights Commission into line with the 1993 Principles relating to the status of national institutions for the promotion and protection of human rights, which establish benchmarks for the competence of national institutions as well as their composition, the appointment of members, the guarantee of independence and pluralism, and on methods of operation;

5. Decides:

(a) To extend the mandate of the Special Representative, as contained in Commission resolution 1984/54 of 14 March 1984, for a further year, and requests the Special Representative to submit an interim report to the General Assembly at its fifty-third session and to report to the Commission at its fifty-fifth session, and to keep a gender perspective in mind when seeking and analysing information;

(b) To request the Secretary-General to continue to give all necessary assistance to the Special Representative to enable him to discharge his mandate fully;

(c) To continue its examination of the situation of human rights in the Islamic Republic of Iran, including the situation of minority groups such as the Baha'is and Christians, at its fifty-fifth session under the same agenda item;

6. Recommends the following draft decision to the Economic and Social Council for adoption:

"The Economic and Social Council, taking note of Commission on Human Rights resolution 1998/... of ... April 1998, endorses the Commission's decision to extend the mandate of the Special Representative on the situation of human rights in the Islamic Republic of Iran, as contained in Commission resolution 1984/54 of 14 March 1984, for a further year, and requests the Special Representative to submit an interim report to the General Assembly at its fifty-third session and to report to the Commission at its fifty-fifth session, and to keep a gender perspective in mind when seeking and analysing information. The Council requests the Secretary-General to continue to give the Special Representative all necessary assistance to enable him to discharge him mandate fully."